

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 RICHARD R. SCOTT,

11 Plaintiff,

12 v.

13 MARK STRONG,

14 Defendant.

CASE NO. C21-5362-JCC

ORDER

15 This matter comes before the Court on Plaintiff's civil rights complaint (Dkt. No. 3.) The  
16 Honorable Michelle Peterson, United States Magistrate Judge, issued a Report and  
17 Recommendation ("R&R") (Dkt. No. 7) recommending that the complaint be dismissed with  
18 prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6). Petitioner objects to the R&R.  
19 (Dkt. No. 8.) For the reasons described below, the Court hereby OVERRULES Petitioner's  
20 objections, ADOPTS the R&R, and DISMISSES with prejudice the complaint.

21 Plaintiff is confined to the Special Commitment Center ("SCC") on McNeil Island in  
22 Pierce County, Washington. (Dkt. No. 3 at 1.) He filed a civil rights complaint pursuant to 42  
23 U.S.C. § 1983 regarding alleged injury from exposure to second-hand smoke over the course of  
24 his residency at the SCC. (*Id.* at 2.) In her R&R, Judge Peterson recommends that the case be  
25 dismissed with prejudice for failure to state a claim because Plaintiff does not allege sufficient  
26 facts to demonstrate that former SCC CEO Mark Strong personally participated in causing

1 Plaintiff any harm of federal constitutional dimension. (Dkt. No. 7 at 5.)<sup>1</sup> Plaintiff filed an  
2 objection to the R&R (Dkt. No. 8.) But the objection merely indicates that Plaintiff stands on his  
3 prior responses to the Court. (*Id.* at 1.)

4 A district court must conduct a *de novo* review of those portions of a magistrate judge's  
5 R&R to which a party properly objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A party  
6 properly objects when the party files "specific written objections" to the magistrate judge's R&R  
7 as required under Federal Rule of Civil Procedure 72(b)(2). In contrast, a general objection has  
8 the same effect as no objection at all, since it does not focus the Court's attention on any specific  
9 issue for review. *Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505, 509 (6th Cir.  
10 1991). This Court's consideration of such an "objection" would entail *de novo* review of the  
11 entire report, rendering the referral to the magistrate judge useless and causing a duplication of  
12 time and effort that wastes judicial resources and contradicts the purposes of the Magistrates Act.  
13 *Id.* Accordingly, *de novo* review is not required when a party fails to direct the court to a specific  
14 error in the R&R. *Strawbridge v. Sugar Mountain Resort, Inc.*, 243 F.Supp.2d 472, 475  
15 (W.D.N.C. 2003). Here, Plaintiff points to no specific error in the R&R, other than general  
16 "disagree[ment] with this magistrate [] Judges [sic] reading of the law." (Dkt. No. 8 at 1.) This is  
17 insufficient to trigger this Court's reconsideration of Judge Peterson's legal determination.

18 For the foregoing reason, Plaintiff's objection (Dkt. No. 8) is OVERRULED. The Court  
19 thus ADOPTS the R&R (Dkt. No. 7) and DISMISSES with prejudice Plaintiff's complaint (Dkt.  
20 No. 3.)

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25 <sup>1</sup> Judge Peterson also notes that Plaintiff's claim, if adequately stated, would still likely  
26 be legally deficient as it would be barred by the doctrine of *res judicata* based on a prior  
complaint filed by Plaintiff containing similar allegations. (See Dkt. Nos. 5 at 2–3, 7 at 5.)

1 DATED this 13th day of December 2021.  
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John C. Coughenour  
UNITED STATES DISTRICT JUDGE